



Appeal Decision

Site visit made on 3 August 2021 by Darren Ellis MPlan

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2021

Appeal Ref: APP/F4410/D/21/3274217

1 Raintree Court, Cusworth, Doncaster, DN5 8XF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Mark & Margaret Newby against the decision of Doncaster Metropolitan Borough Council.
 - The application Ref 20/03375/FUL, dated 4 December 2020, was refused by notice dated 10 February 2021.
 - The development proposed is the erection of 2 metre high boundary fence.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 2 metre high boundary fence at 1 Raintree Court, Cusworth, Doncaster, DN5 8XF in accordance with the terms of application ref: 20/03375/FUL, dated 4 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Map showing the site location unique plan reference p8buk/548118/742302; and the annotated map showing the position of the fence unique plan reference b90cuk/548118/742299.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The description of the development shown on the Appeal Form describes the proposed fence as being 740cm in length, however the submitted drawing, appeal statement and the Council's delegated report all refer to the proposed fence as being 5m in length. The description of development on the Planning Application Form includes a 2m fence along the side of the property adjacent to the highway, however this part of the scheme was removed during the original application. For these reasons, in the banner heading above I have used the description of development shown on the Decision Notice which accurately describes the proposal.
 4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Whilst I have had regard to the revised national
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policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the street scene.

Reasons for the Recommendation

6. The appeal site comprises a detached two-storey dwelling located on a corner plot at the junction of Ferndale View and Raintree Court. A low fence with a conifer hedge behind forms the side boundary and part of the rear boundary of the appeal property, with the remainder of the rear boundary of the appeal site consisting of a brick wall with fence panel inserts. Boundary treatments to nearby properties include walls, fences, hedges and railings of various heights.
7. The proposed fence would be 2m in height and would project for a length of 5m from the existing rear brick wall. The proposed fence would project slightly forwards of the property at No 44 Ferndale View, however the fence would finish 4m from the pavement, with the existing low fence and conifer hedge being retained for the remainder of the rear boundary and the side boundary. Although the fence would be visible from directly in front of No 44, it would not have a significant effect on the character and appearance of the street as a result of the set-back from the highway and the presence of the existing fence and hedge for the remainder of the rear boundary. The fence would also blend in with the existing boundary treatments visible in the street and would not appear as an unduly high or incongruous addition. The existing conifer hedge effectively encloses the space and the short stretch of fencing would have no greater impact on the character of the area in terms of openness.
8. For the reasons given above, the proposal would not cause harm to the appearance and character of the street scene. The proposal would therefore accord with policy CS14 of the Doncaster Council Core Strategy (May 2012) and saved policy ENV54 of the Doncaster Unitary Development Plan (July 1998) which both require development to reinforce local character and integrate well with its surroundings. The proposal would also comply with the principles set out in paragraph 2.12 of the Doncaster Council Development Guidance and Requirements: Supplementary Planning Document (July 2015) which require, amongst other things, for development to be of an appropriate scale and proportion and that it takes reference from the character of the area. Furthermore, the proposal would accord with the design aims of the National Planning Policy Framework.

Other matters

9. Representations from the neighbour at No 44 Ferndale View included concerns regarding highway and pedestrian safety and the effect of the proposed fence on the visibility splay for the driveway at No 44. The proposal was amended so that the visibility splay and the existing fence and hedge to the side of the

appeal property would be unchanged. I also note that the Highway Authority raised no concerns to the amended proposal. Given the above, the fact that the conifer hedge already has a similar impact to the proposed fence in terms of visibility and the likelihood that vehicles leaving and entering the driveway are likely to do so at low speed, I have no reason to disagree with the Council's conclusion that the proposal would not detract from highway safety.

10. The representations from No 44 also referred to a boundary dispute, the transfer between the developer and the owner of the appeal property, and several restrictive covenants. These matters are civil matters and as such fall outside the scope of this appeal.

Conditions

11. I recommend the standard time limit condition and a condition specifying the approved plans to provide certainty and in the interests of proper planning.

Conclusion

12. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted subject to the conditions listed above.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree with the recommendation and shall allow the appeal and grant planning permission subject to the conditions listed above.

Chris Preston

INSPECTOR